

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

ORDER  
05-CR-840-01

-against-

QUINCY HOMERE,

Defendant.

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A P P E A R A N C E S:

For the Government:

Loretta Lynch  
United States Attorney  
Eastern District of New York  
Federal Plaza  
Central Islip, New York 11722  
By: Lara Treinis Gatz, A.U.S.A.

For the Defendant:

Jason Russo, Esq.  
165 EAB Plaza  
West Tower 6th Floor  
Uniondale, New York 11553

HURLEY, Senior District Judge

I sentenced Quincy Homere ("Homere") on May 13, 2010 for violating conditions of his supervised release. In doing so, I considered the 18 U.S.C. § 3553(a) factors, as well as the policy statements in U.S.S.G. §§ 7B1.3 and 7B1.4, but neglected to state on the record the effect that those factors and policy statements had on the sentence imposed. To cure that oversight, I added the case to my calender for 11:30 a.m. on Tuesday, May 18, 2010.

Early Tuesday morning, I was advised by the Marshals that Homere refused to leave his cell for the scheduled Court appearance. Given that (1) the subject oversight on my part does

not invalidate the sentence imposed, United States v. Verkhoglyad, 516 F.3d 122 (2d Cir. 2008), and (2) Homere's apparent election not to grace the Court with his presence, I have elected not to issue a "reasonable force" order to compel his appearance. However, should Homere, through his counsel, have a change of heart and communicate that fact to the Court on or before May 21, 2010, the matter will be restored to the calender so that a further explanation may be provided for the sentence imposed. Otherwise, the sentence hearing shall be marked as concluded as of May 13, 2010.

SO ORDERED.

Dated: May 18, 2010  
Central Islip, New York

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DENIS R. HURLEY, U.S.D.J.